

THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

DAVID J. CATANZARO,  
286 Upper Powderly Street  
Carbondale, Pennsylvania 18407

Plaintiff,

VS.

LYKART TECHNOLOGIES LLC,  
GROWKART, TRANSFORM SR  
BRANDS LLC, KMART, KMART.COM,  
SEARS, SEARS.COM, ALPHABET  
INC., GOOGLE LLC, YOUTUBE.COM,  
POSHMARK INC., STL PRO, INC.,  
TARGET CORPORATION,  
TARGET.COM, TOTALHILL.COM,  
MICROSOFT CORPORATION, INC.,  
APPLE INC. and MOZILLA  
CORPORATION

Defendants.

Case No. 3:22-cv-1754

Judge Joseph F. Saporito, Jr.

Referred to: Phillip J. Caraballo

JURY TRIAL DEMANDED

FILED  
SCRANTON

MAR 07 2025

PER EP  
DEPUTY CLERK

**PLAINTIFF'S MOTION FOR LEAVE TO FILE FIFTH AMENDED  
COMPLAINT**

Plaintiff, David J. Catanzaro proceeding pro se, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, respectfully moves this Court for leave to file a Fifth Amended Complaint. This amendment seeks to (1) incorporate claims of inducement infringement and unjust enrichment, (2) further refine the asserted claims of willful blindness and contributory infringement against search engine and browser defendants, and (3) maintain the streamlined list of defendants as previously amended. In support of this Motion, Plaintiff states as follows:

## **I. PROCEDURAL HISTORY**

1. Plaintiff initiated this action alleging patent infringement of U.S. Patent No. 7,653,959 B1 (the “959 patent”).
2. Plaintiff filed a Third Amended Complaint naming various defendants, all of whom have currently been properly served.
3. Plaintiff filed a Motion for Leave to File a Fourth Amended Complaint on March 4, 2025 [ECF 49], which sought to streamline the Defendants by removing defunct entities, expand legal theories, and introduce a new request for relief.
4. The proposed Fourth Amended Complaint was filed on March 4, 2025 [ECT 50].
5. A Motion of Errata and corrected proposed Fourth Amended Complaint was filed on March 5, 2025 [ECF 51 & 52].
6. While some Defendants have appeared, none have yet answered the Third or pending Fourth Amended Complaint.
7. Upon further research and analysis, Plaintiff seeks leave to file a Fifth Amended Complaint to incorporate claims of inducement infringement and unjust enrichment, as well as to further refine the existing legal theories.

## **II. NO UNDUE DELAY OR PREJUDICE**

1. Plaintiff has acted diligently in seeking this amendment as soon as the need to incorporate these additional legal theories became apparent.
2. No Defendant has answered the Third or proposed Fourth Amended Complaint, meaning this amendment will not cause undue prejudice.

3. The proposed amendments are based on the same underlying facts and patents as previously asserted, and do not introduce entirely new causes of action that would substantially alter the nature of the case or require extensive additional discovery.
4. The addition of inducement infringement and unjust enrichment claims clarifies and strengthens the existing legal framework, ensuring a comprehensive adjudication of the issues.
5. Allowing this amendment will ensure that justice is served by holding Defendants fully accountable for their role in patent infringement and the resulting unjust enrichment.

### **III. GOOD CAUSE FOR AMENDMENT**

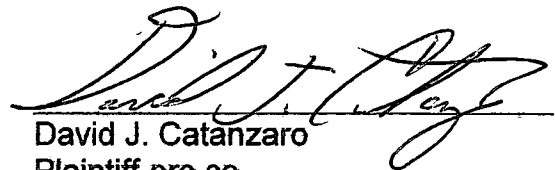
1. Plaintiff initially focused on contributory infringement, but upon further legal analysis, it has become evident that inducement infringement and unjust enrichment are also applicable and necessary to fully address the Defendants' actions.
2. The inclusion of these claims is essential to properly address the search engine and browser defendants' active role in inducing patent infringement by their users and their subsequent unjust enrichment from facilitating such infringement.
3. The Plaintiff's legal strategy has evolved to better represent the evidence, and the new claims are based on the existing facts of the case.
4. The fifth amended complaint, will further clarify the claims of willful blindness, and how the programming choices of the defendants, lead to willful blindness.

### **IV. CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests that this Court grant leave to file the Fifth Amended Complaint. A proposed order is attached for the Court's convenience.

Date March 7, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Catanzaro", written over a horizontal line.

David J. Catanzaro  
Plaintiff *pro se*  
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**CERTIFICATE OF SERVICE**

I, David J. Catanzaro, hereby certify that on March 7, 2025 I have served a true and correct copy of Plaintiff's Motion for Leave to file Fifth Amended Complaint to the following parties via electronic mail, where available, and otherwise by first-class mail:

Lykart Technologies, LLC, and GrowKart  
30 N Gould St Suite 5707  
Sheridan, WY 82801, US

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Target Corporation & Target.com  
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Microsoft Corporation, Inc.  
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Apple Inc.  
One Apple Park Way  
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Mozilla Corporation  
149 New Montgomery Street, 4<sup>th</sup> Floor,  
San Francisco, CA 94105.

Date March 7, 2025

  
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